

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

TODD D. WILKINSON

PLAINTIFF

v.

Case No.: 4:07-cv-4098

LOUISE PHILLIPS

DEFENDANT

ORDER

Now before the Court is Defendant's Motion for Reconsideration. (Doc. 27). This Court issued a Memorandum Opinion and Order on October 8, 2008. (Doc. 26). The Court found genuine issues of fact existed in Plaintiff's case, and denied Defendant's Motion for Summary Judgment.

Defendant now seeks reconsideration of the Courts Order. Defendant argues Plaintiff's claims of denial of access to the courts should be dismissed on Summary Judgment because Plaintiff's claim concerns criminal proceedings for which Plaintiff had attorney representation.

However, in his Response to Defendant's Motion for Summary Judgment (Doc. 23), Plaintiff stated he did not have an attorney representing him on the charges for which he sought to use the law library. (Doc. 23, questions 2, 4). Plaintiff stated his attorney in Arkansas recommended he seek to use the law library, but this attorney apparently did not represent Plaintiff on his Texas misdemeanor charges. (Doc. 24, 23). Accordingly, Defendant's Motion for Reconsideration (Doc. 27) is DENIED.

IT IS SO ORDERED this 17th day of October 2008.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
U.S. MAGISTRATE JUDGE